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March 20, 2025

**BY ECF**

Hon. Robert W. Lehrburger, U.S.M.J  
500 Pearl Street, Room 18D  
United States Courthouse  
Southern District of New York  
New York, New York 10007

Re: *Blaker v. Emil Capital Partners, et al.*, No. 1:23-cv-10543  
Request to Stay Proceedings Pending Mediation

Dear Magistrate Judge Lehrburger:

This firm represents Plaintiff Nicole Blaker in the above-captioned action. I write jointly with Defendants to inform the Court that, after extensive discussions between counsel, the parties have agreed to go to private mediation at JAMS to try to resolve this case. Therefore, in order to save the parties the substantial time and expense of continuing to take depositions and exchange further documents, the parties respectfully request that discovery be held in abeyance until the mediation is concluded.<sup>1</sup> This is the parties' first joint request for a stay of discovery.<sup>2</sup> This will be the parties' first mediation in this case (including pre-litigation). The current fact discovery deadline is April 14, 2025.

**Case Status Update**

Since the parties last contacted the Court in January, *see* ECF 47-49, all parties have sat for an initial deposition session, as well as third parties Marcel Bens and Jessica Burtzos. The depositions remain open pending, among other items, the production of additional documents, and with Defendants reserving all rights pending the resolution of Defendants' Motion to Dismiss, ECF 27-34. A number of discovery disputes remain. The parties met and conferred by

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<sup>1</sup> As part of the parties' mutual agreement to proceed to mediation, the parties have agreed to the production of certain additional discovery documents in advance of the mediation.

<sup>2</sup> For clarity, the parties note that Defendants twice moved to stay discovery during the pendency of the motion to dismiss, which Plaintiff opposed, and the Court denied.

phone on March 18 for over an hour to attempt to resolve these disputes, but expect that, in the event the case does not settle, the parties will engage in discovery related motion practice. Additionally, Defendants intend to take between four and six additional depositions of witnesses identified by Plaintiff.

In the event the Court grants this application, the parties would like two weeks to agree on a mediator and a date for the mediation (defense counsel is out of the office next week). The parties therefore respectfully request the opportunity to update the Court with a mediation date on or before April 4, 2025.

The parties thank the Court for its consideration of this request.

Granted in part. The case is stayed until the earlier of (1) completion of mediation, or (2) June 20, 2025. The parties shall file a status letter regarding the mediation by April 4, 2025.

Respectfully submitted,

/s/

Scott Simpson

SO ORDERED:

03/21/2025



HON. ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE